

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NATIFAH COOPER,

Plaintiff,

**ANSWER FOR ALEXSANDR  
PASYNKOV**

- against -

14 Civ. 6136 (PKC) (RLM)

Police Officer PAUL DIEUGENIA Shield No. 13223, **Jury Trial Demanded**  
Police Officer ALEKSANDR PASYNKOV, Tax Id.  
947328 and JANE DOE 1 through 10, individually and in  
their official capacities, (the names John and Jane Doe  
being fictitious, as the true names are presently unknown),

Defendants.

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Defendant Aleksandr Pasynkov, by his attorney, Zachary W. Carter, Corporation  
Counsel of the City of New York, for his answer to the complaint, respectfully alleges as  
follows:

1. Denies the allegations set forth in paragraph "1" of the complaint, except  
admits that plaintiff have commenced this action seeking certain relief as stated therein.
2. Denies the allegations set forth in paragraph "2" of the complaint, except  
admits that plaintiff purport to bring this action as stated therein.
3. Denies the allegations set forth in paragraph "3" of the complaint, except  
admits that plaintiff purport to invoke this Court's jurisdiction as stated therein.
4. Denies the allegations set forth in paragraph "4" of the complaint, except  
admits that plaintiff purports to base venue in this district as stated therein.
5. Denies the allegations set forth in paragraph "5" of the complaint, except

admits that plaintiff purports to base venue in this district as stated therein

6. Paragraph “6” of the complaint sets forth a demand for a jury trial, rather than any averments of fact, accordingly no response is required.

7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “7” of the complaint.

8. Denies the allegations set forth in paragraph “8” of the complaint, except admits that Paul Dieugenia is employed as a police officer by the City of New York and that plaintiff purports to sue him in his individual and official capacities.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “9” of the complaint.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “10” of the complaint.

11. The allegations set forth in paragraph “11” are legal conclusions rather than averments of fact, accordingly no response is required.

12. Denies the allegations set forth in paragraph “12” of the complaint.

13. Denies the allegations set forth in paragraph “13” of the complaint, except admits that Alexander Kosterkin was present.

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph “14” of the complaint.

15. Denies the allegations set forth in paragraph “15” of the complaint.

16. Denies the allegations set forth in paragraph “16” of the complaint, except admits that Kosterkin was handcuffed.

17. Denies the allegations set forth in paragraph “17” of the complaint.

18. Denies the allegations set forth in paragraph "18" of the complaint.

19. Denies the allegations set forth in paragraph "19" of the complaint, except admits that a gravity knife was recovered from Kosterkin's pocket.

20. Denies the allegations set forth in paragraph "20" of the complaint.

21. Denies the allegations set forth in paragraph "21" of the complaint, except admits that Kosterkin was escorted towards a police vehicle.

22. Denies the allegations set forth in paragraph "22" of the complaint.

23. Denies the allegations set forth in paragraph "23" of the complaint.

24. Denies the allegations set forth in paragraph "24" of the complaint.

25. Denies the allegations set forth in paragraph "25" of the complaint.

26. Denies the allegations set forth in paragraph "26" of the complaint.

27. Denies the allegations set forth in paragraph "27" of the complaint.

28. Denies the allegations set forth in paragraph "28" of the complaint.

29. Denies the allegations set forth in paragraph "29" of the complaint.

30. Denies the allegations set forth in paragraph "30" of the complaint, except admits that plaintiff was handcuffed.

31. Denies the allegations set forth in paragraph "31" of the complaint, except admits that plaintiff was transported to the 60th precinct.

32. Denies the allegations set forth in paragraph "32" of the complaint, except admits that plaintiff was transported to Brooklyn Central Booking.

33. Denies the allegations set forth in paragraph "33" of the complaint, except admits that plaintiff was arraigned on various misdemeanor charges.

34. Denies the allegations set forth in paragraph "34" of the complaint, except

admits that plaintiff accepted an adjournment in contemplation of dismissal.

35. Denies the allegations set forth in paragraph “35” of the complaint.

36. In response to the allegations set forth in paragraph “36” of the complaint, defendant repeats the responses set forth in the previous paragraphs.

37. Denies the allegations set forth in paragraph “37” of the complaint.

38. Denies the allegations set forth in paragraph “38” of the complaint.

39. In response to the allegations set forth in paragraph “39” of the complaint, defendant repeats the responses set forth in the previous paragraphs.

40. Denies the allegations set forth in paragraph “40” of the complaint.

41. Denies the allegations set forth in paragraph “41” of the complaint.

42. In response to the allegations set forth in paragraph “42” of the complaint, defendant repeats the responses set forth in the previous paragraphs.

43. Denies the allegations set forth in paragraph “43” of the complaint.

44. Denies the allegations set forth in paragraph “44” of the complaint.

45. In response to the allegations set forth in paragraph “45” of the complaint, defendant repeats the responses set forth in the previous paragraphs.

46. Denies the allegations set forth in paragraph “46” of the complaint.

47. Denies the allegations set forth in paragraph “47” of the complaint.

48. Denies the allegations set forth in paragraph “48” of the complaint.

49. Denies the allegations set forth in paragraph “49” of the complaint.

50. In response to the allegations set forth in paragraph “50” of the complaint, defendant repeats the responses set forth in the previous paragraphs.

51. Denies the allegations set forth in paragraph “51” of the complaint.

52. Denies the allegations set forth in paragraph “52” of the complaint.

53. Denies the allegations set forth in paragraph “53” of the complaint.

54. In response to the allegations set forth in paragraph “54” of the complaint, defendant repeats the responses set forth in the previous paragraphs.

55. Denies the allegations set forth in paragraph “55” of the complaint.

56. Denies the allegations set forth in paragraph “56” of the complaint.

57. Denies the allegations set forth in paragraph “57” of the complaint.

#### **FIRST AFFIRMATIVE DEFENSE**

58. The complaint fails to state a claim upon which relief can be granted.

#### **SECOND AFFIRMATIVE DEFENSE**

59. There was probable cause to arrest, detain and prosecute plaintiff.

#### **THIRD AFFIRMATIVE DEFENSE**

60. Defendant did not violated any rights, privileges or immunities under the Constitution or laws of the United State or the State of New York or any political subdivision thereof, nor has the City violated any act of Congress providing for the protection of civil rights. Any injury alleged to have been sustained resulted from plaintiff’s own culpable or negligent conduct or the culpable or negligent conduct of third parties, and was not the proximate result of any act of the defendant.

#### **FOURTH AFFIRMATIVE DEFENSE**

61. Any injury alleged to have been sustained resulted from plaintiff’s own culpable or negligent conduct or the culpable or negligent conduct of third parties, and was not the proximate result of any act of the defendant.

#### **FIFTH AFFIRMATIVE DEFENSE**

62. Punitive damages cannot be assessed as against the defendant in his

official capacities.

**SIXTH AFFIRMATIVE DEFENSE**

63. Plaintiff failed to mitigate any alleged damages.

**SEVENTH AFFIRMATIVE DEFENSE**

64. Defendant is entitled to qualified immunity.

WHEREFORE, defendant Officer Pasyukov demands judgment dismissing the complaint in its entirety, together with the costs and disbursements of this action, and such other and further relief as the Court may deem just and proper.

DATED: New York, New York  
March 24, 2016

Respectfully submitted,

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York  
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By: 

Okwede N. Okoh

To: Robert Marinelli, Esq. (By ECF)